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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,339	02/28/2002	Mark Sanders	1805-0003	8540

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MAGINOT, MOORE & BECK  
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INDIANAPOLIS, IN 46204

EXAMINER

WALTON, GEORGE L

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/085,339

Applicant(s)

SANDERS, MARK

Examiner

George L. Walton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-14, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION*****Response to Arguments***

Applicant's arguments with respect to claims 1-14 and 16-17 have been considered but are moot in view of the new ground(s) of rejection. The applicant's remarks have been carefully reviewed. However, since the claims do not clearly recite that the manual switch is directly connected to the transmitter and the transmitter is directly connected to the receiver and the receiver being directly connected to the solenoid valve with an operable correlation, it is still readable on Apelman. It merely states in the claims that an operable association with one another is the connection for these elements. Also, the reset and trip switch is readable on the manual switch corresponding to a state for shut off incoming water to the valve 10 and another state to open or reactivate the valve 10 (see column 7, lines 24-36). The manual switch of Apelman is mounted to the 120VAC wall outlet. Furthermore, Apelman teaches an auto-phone-dialer readable on element 13, as recited in column 3, lines 10-44, column 5, lines 5-11 and lines 60-67 and column 7, lines 1-13. In the patent to Apelman, element 11 is readable on the transmitter and elements 12 and 14 is readable on the receiver. The water sensor or detector is readable on elements 3 and 14. Finally, element 8 defines the latching mechanism for the valve 10.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1, 3-7 and 9-11 stand rejected under 35 U.S.C. 102(b) as being anticipated by Apelman, in the same manner as recited in the office action dated 12/23/03. See the above statements as recited above in the "Response to Arguments" for additional support and explanations.

Claims 1, 3-4, 6-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wendel et al. The transmitter is readable on element 10 and the receiver is readable on elements 36 and 38. The receiver is wireless based on the fact that it receives its signal from its antennas 22 and 40. Element 46 is readable on the manual switch that will reset valve 45 to an open state when the valve is closed which represents another state. The plurality of sensors or detectors is readable on water sensor elements 16 and 65a and temperature sensor element 54. Element 46 is connected to power supply to a wall outlet.

Claims 8, 12-14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apelman in view of Hwang et al. The above claims are readable on the patent to Apelman with the single exception of having a plurality of sensors for detecting different parameters or conditions including a gas sensor or sensor switch. The patent to Hwang et al teaches the above exception. In view of the teaching of Hwang et al, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to provide the above exception to the device of Apelman as taught by Figure 3, if desired. This concept is well known in the art. Such teaching provides no unobvious or unexpected result.

Claims 5, 10-13 and 16-17 are rejected under 35 U. S. C. 103(a) as being unpatentable over Wendel et al in view of Apelman. The above claims are readable on the patent to Wendel et al with the exceptions of having a) an auto-phone dialer associated with a receiver while

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conveying a recorded voice message. The patent to Apelman teaches the above exception. In view of the teaching of Apelman,, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to substitute that above exception for the digital voice circuit 26 and voice integrated circuit 100 as taught by element 13, if desired. Such teaching would provide no unobvious or unexpected result.

Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Wendel et al in view of Apelman as applied above, further in view of in view of Hwang et al. The above claims are readable on the above combination with the single exception of having a plurality of sensors for detecting different parameters or conditions including a gas sensor or sensor switch. The patent to Hwang et al teaches the above exception. In view of the teaching of Hwang et al, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to provide the above exception to the device of the above combination as taught by Figure 3, if desired. This concept is well known in the art. Such teaching provides no unobvious or unexpected result.

#### ***Allowable Subject Matter***

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George L. Walton whose telephone number is 703-308-2596. The examiner can normally be reached on M-F, 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 703-308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George L. Walton  
Primary Examiner  
Art Unit 3753

GLW